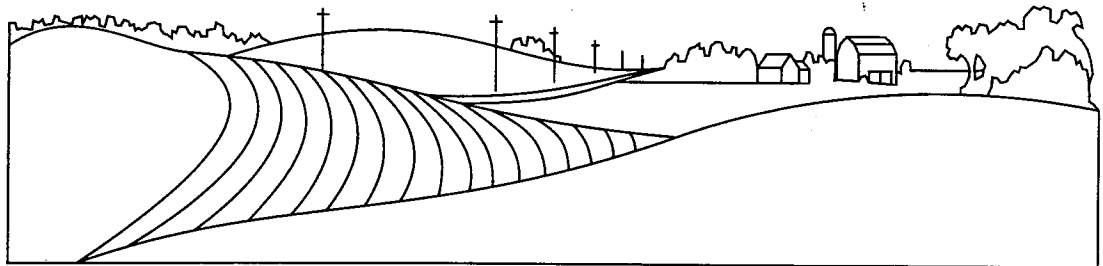


# Farmland Preservation Program

## History and Current Perspective



County of Suffolk  
New York

*Patrick G. Halpin*

Suffolk County Executive

Prepared by:  
Suffolk County Planning Commission



# COUNTY OF SUFFOLK



PATRICK G. HALPIN  
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

ARTHUR H. KUNZ  
DIRECTOR OF PLANNING

August 17, 1990

Honorable Patrick G. Halpin  
Suffolk County Executive  
H. Lee Dennison Office Building  
Veterans Memorial Highway  
Hauppauge, N. Y. 11788

Dear County Executive Halpin:

There is a continued interest locally and other parts of the country in the Suffolk County purchase of development rights program to preserve farmland. Your recent request to continue the funding for this program in 1991 and the purchase of additional development rights this year has increased the inquiries relative to this program.

Therefore, this Department has prepared a narrative of the program from its inception in the early 1970's to indicate the reasons why the program began. The report also gives information to candidates who might like to join the program, along with the statistics that relate to this program and farmland in general.

As of 1990, 6,958 acres of farmland have been placed in some form of protection. The County program accounts for 4,965 acres, Town programs contain 1,084 acres, farm preserve areas account for 530 acres and other miscellaneous programs contain 379 acres of preserved farmland.

This report shows how important it is to have a cooperative program to save the very important resource of farmland and the farm industry in this County. The publication emphasizes the success of the program and the need for continued funding in the future years.

Respectfully yours,

Arthur H. Kunz, Director  
and  
Chairman, Farm Select Committee

AHK:pd  
Enc.



**SUFFOLK COUNTY FARMLAND PRESERVATION PROGRAM**

**History and Current Perspective**

**August 1990**

**Suffolk County Planning Commission  
H. Lee Dennison Office Building  
Veterans Memorial Highway  
Hauppauge, N. Y. 11788**

**Patrick G. Halpin  
Suffolk County Executive**



**SUFFOLK COUNTY PLANNING COMMISSION**

Stephen M. Jones  
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At Large

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Vice-Chairwoman  
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Secretary  
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Elaine Capobianco  
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Dennis Lynch  
Babylon

Robert Donnelly  
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Mark McDonald  
Southold

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Maurice O'Connell  
Islip

George R. Gohn  
Shelter Island

Gilbert L. Shepard  
Southampton

Felix J. Grucci, Jr.  
Brookhaven

Samuel Stahlman  
Village Over 5,000 Population

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## Introduction

Suffolk County is now the largest New York State County in population excluding the Counties within the City of New York. It is also the largest agricultural producing County in the State with over \$108,000,000 dollars a year in agricultural products sold. Even with extensive postwar development, there are still over 40,000 acres of farmland in the County.

Suffolk County was one of the earliest Counties in the country to recognize that the preservation of agricultural land would not be possible without some public program in this area. Therefore, in 1974, the County instituted what is now the oldest Purchase of Development Rights Program in the country. This program is still active and continues on into the 1990's.

This report is being prepared to summarize the program and to indicate how it operates at the present time. It is also designed to outline the procedures applicants must follow to enter into the program and to point out the requirements of maintaining land that has been protected by development rights acquisitions.

## Current Agricultural Conditions

Agriculture continues to be an important industry in Suffolk County. Suffolk County is still the leading New York State County in terms of market value of agricultural products sold. It also leads the state in many products and categories according to the 1987 Census of Agriculture. Farming provides many jobs in Suffolk on a seasonal and year-round basis. Perhaps more importantly, farmland provides a buffer against suburban sprawl and maintains the rural character of the area. Farming is important to the tourism industry for this reason and also provides fresh fruit and vegetables to residents and tourists alike.

In many ways, Suffolk County led all other New York State counties in market value of agricultural products sold. Suffolk County had the highest market value of products with sales of \$115,150,000 in 1987. This translates into an average of \$165,455 per farm, also the highest in the State. Suffolk led in these categories in 1982 as well. The percent increase in sales for Suffolk County from 1982 to 1987 was 23.8% which paralleled the New York area consumer price index which rose 23.7%. Although Suffolk only kept pace with inflation, it outperformed all other New York Counties by a wide margin. Nearly half of New York's counties declined in market value of sales and only five counties had sales grow in excess of 10 percent. The total sales of agricultural products for New York State grew by only 0.6% before inflation is taken into account.

The main reason for Suffolk's good agricultural market performance is the growth in nursery and greenhouse products, which accounts for a majority of the market sales with \$67 million. This is an increase of 60.4% over 1982 and now accounts for 40.4% of New York State's total. Suffolk County now has 9.5 million square feet in greenhouses or other protection.

In addition to nursery and greenhouse products, Suffolk County is the number one County in the State in the amount of land used to produce a variety of crops. These include cauliflower, broccoli, pumpkins, spinach and Chinese cabbage, each of which occupies several hundred acres. The acreage in potatoes is less than half of what it was ten years ago amounting to 10,358 acres in 1987. In 1964 Suffolk had ranked third nationally in potato production. Despite the rapid decline of potato acreage, they are still Suffolk's largest crop and put Suffolk way ahead of any other county in the State in their production.

Another declining industry is the duck industry. From 1982 to 1987 the number of farms growing ducks, geese and other poultry declined from 39 to 29. In 1962 Suffolk produced about 6.5 million ducks or 70% of the nation's total. The Suffolk County Cooperative Extension estimates 1988 production was only about 2 million. Since duck farms are often prime waterfront properties, they are under strong development pressure.

Three emerging agriculture uses are the grape and wine industry, horse farms and the sod industry. In 1987 1,245 acres were devoted to growing grapes moving Suffolk up in a State ranking from 13th to 7th in the last five years. The Cornell Cooperative Extension of Suffolk County estimates there were 4,500 acres of sod farms in 1988.

Agriculture is an important source of employment in Suffolk County. The 1980 U. S. Census reported 5,957 people were employed in farming occupations. According to New York State Department of Labor estimates, seasonal agricultural employment averaged 1,994 workers on Long Island from May to mid October in 1989. In 1987 Suffolk County farms generated \$27,663,000 in payrolls. This was 32.5% of total farm expenses

Property taxes are a relatively small portion of total farm expenses in Suffolk County. Total property taxes in 1987 amounted to \$2,742,000 or 3.2% of Suffolk's total farm expenses. This is the lowest percentage figure of any County in New York State. The average for all of New York State was 5.4%. It may be that the use of agricultural districts and farmland acquisition programs, as well as local assessing practices, have caused Suffolk's property taxes on farms to be relatively low. On the other hand, Suffolk's high value crops and high farm rental rates may contribute to a lower percentage of farm expenses going to property taxes. Clearly, taxes are not the primary cause of

high farm expenses, but must be kept down to avoid it becoming a contributing factor in their demise.

Suffolk County has a very large proportion of farms which are rented. According to the 1987 Census of Agriculture, 19.4% of Suffolk County farms were rented. This is over triple the New York State average and by far the highest rate of any County in New York State, excluding Bronx and Kings Counties which have less than four farms. The perceived fear concerning these numbers is that a large amount of farmland is in the hands of speculators who are currently renting to farmers but will later develop the property.

The following table summarizes trends in the number of farms and land in farms for Suffolk County from 1940 to 1987.

Table 1

Suffolk County Farming Trends

<u>Year</u>	<u># of Farms</u>	<u>Acres in Farms</u>
1940	2,344	119,016
1950	2,187	123,346
1959	1,258	89,776
1969	743	61,520
1974	737	55,397
1978	777	51,853
1982	797	49,898
1987	696	41,799

As can be seen, in the preceding table, half of Suffolk's farm acreage was lost to farming between 1950 and 1969. During this period, population almost quadrupled from 276,129 to 1,080,155. The most recent figures show dramatic declines in the number of farms and farm acreage. In the last five year period, there was an 8,099 acre decline in farm acreage which is a 16.2% loss.

Background of the Purchase of Development Rights Program

There are a number of milestones that can be attributed to the

introduction of the Farmland Program in Suffolk County. One of the earliest documents that indicated the high quality of agricultural soils was a report done by the then Nassau-Suffolk Regional Planning Board in 1969, which documented the soil conditions in Suffolk County.<sup>(1)</sup> This study was part of the Comprehensive Plan for Long Island that was published in 1970 and recommended the preservation of more than 30,000 acres of farms in Suffolk County.<sup>(2)</sup> The reasons for this recommendation related to the superior soils on Long Island, the long growing season, and the viability of a clean industry that was already located in this area. In addition, eastern Suffolk County is a major tourist attraction for people in the metropolitan New York area and from outside of the region. The preservation of farms in the tourist area not only enhanced the environment for second homes and recreational uses, but provided activities for day trippers and owners of second homes.

At the time of the development of the Comprehensive Plan, there were almost 60,000 acres of farms in the County. It was recommended that a purchase and lease-back approach be used to preserve at least half of these farms that were located in major clusters of agricultural uses on the best soils.

In 1972 a fourteen member Agricultural Advisory Committee to the County Executive was appointed by then County Executive John V. N. Klein. In 1973 the Suffolk County Planning Commission, under the direction of Lee E. Koppelman, prepared a Farmland Preservation Program report to the Suffolk County Legislature on behalf of the County Executive.<sup>(3)</sup> This report was used as the basis for determining how to implement the recommendations of the Regional Planning Board. The report stressed the importance of agriculture, the changing patterns and the pressure to develop much of the farmland for residential use.

A key element in the report was a table that related farmland development to school taxation. This table summarized the development patterns and the cost of providing educational services vs. the option of retaining farmland (see Table 1).

In early 1974 the previously mentioned Agricultural Advisory Committee released a report<sup>(4)</sup> to the Suffolk County Legislature that recommended an expenditure of \$45,000,000-\$55,000,000 over the next three years to purchase the development rights on farmland. Acquisition of fee title with a lease-back was not recommended at this time. The Committee recommended proceeding with the farm purchase program on the following basis:

a. Emphasis should be on the use of available funds for the acquisition of development rights as opposed to the acquisition of fee title. In the cases where the County acquires fee title it should , prior to considering lease-back, offer to sell the "agricultural title" (ownership of the properties stripped of all rights except for use for agriculture) to other commercial farmers. Sale of agricultural title should be done on the basis of open competitive bidding with the sale to the highest responsible bidder.

b. Where feasible, the first offer to purchase development rights should relate to farmer-owned and operated land and on nonfarmer-owned land adjacent to them.

c. The preserved farms should, either by initial purchase of development rights or by carefully selected processes of assembly, constitute relatively large tracts, preferably a minimum of 200 acres in size. Preservation of individual isolated farms would not be conducive to continued commercial agricultural operation on them.

d. Preserved farms should be bounded to the maximum extent possi-

ble by existing roads or highways, or other open spaces, so as to provide for a buffer or insulation zone between the farm activity and other nearby residential or commercial uses.

e. Development rights once purchased by the County could not be sold or otherwise transferred by the County without affirmative approval of the voters in a Countywide referendum, as is the case with properties dedicated to the Nature Preserve and Historic Trust, under the provisions of Article I of the Suffolk County Charter.

f. The program of participation in the acquisition of development rights by the County should be on a voluntary basis by the members of the farming community without resort by the County to unilateral action through the use of condemnation.

The Committee recommended the following criteria for the selection of farms:

- a. Soil suitability
- b. Present land use
- c. Contiguity of farms
- d. Development pressure
- e. Price of land

It was recommended that a special committee be established to advise the County Legislature on areas to be selected for solicitation of bids to enter the program. In the summer of 1974 a Farmland Select Committee was established and began the solicitation process on a Countywide basis to encourage farm owners to participate in the Purchase of Development Rights Program. The procedure as set up allowed the Select Committee to make recommendations on parcels to be included in the program with the final approval being given by the County Legislature. (5)

The 1974-1976 Capital Program for the County included an authorization for \$45,000,000 to acquire 9,000 acres of farmland development

rights. Local Law #19-1974 officially authorized the Agricultural Program and \$21,000,000 was included to purchase development rights under Phase I. Soon after, a bidding procedure was established and the following letter was sent out to all owners of farms in the County:

Dear Property Owner:

County records indicate that you are the owner of property now in agricultural use.

As you may be aware, the County government has developed a program designed to preserve agricultural lands in Suffolk County. That program involves purchasing from landowners what the County has defined as "development rights." Development rights have been defined by the County as being all of the property owner's right, title and interest in the property except raw ownership, the right of possession and the right to use the property for agriculture. The program involves the solicitation by the County of bids on a VOLUNTARY basis by property owners interested in selling the development rights of their property to the County. In accordance with that plan, on the       day of       , 1974, at 10:00 a.m. the County Executive and the Presiding Officer of the County Legislature will publicly open sealed bids from all interested property owners for the sale to the County by such property owners of the development rights to their property.

Enclosed with this letter is a form of submission of bid for sale of development rights, which is to be used if you wish to participate in this program. The form must be completed in all respects and received in the Office of the County Executive at the Suffolk County Center, Riverhead, New York, no later than 10:00 a.m. on the       day of       , 1974.

Upon receipt of all bids they will be immediately referred to a Select Committee heretofore appointed by the County Executive and the County Legislature, which will review the bids and, using criteria already developed, make recommendations to the County Executive and to the full County Legislature as to which such bids should be accepted. If a bidder's offer is accepted, the County will be prepared to pay to the bidder the sum of money equal to the amount of the bid in lump sum by certified check, assuming that, following a title examination at County expense, it is determined that the bidder can convey good and marketable title, free of any encumbrances, to the County for his development rights. The estimated span of time between the submission of the offer and the closing of the transaction in those cases where the bids are accepted, is approximately three to four months. For those property owners whose bids are accepted by the County and who wish to obtain deferred payment treatment, a special procedure for that has been developed and can be implemented.

Also attached to this letter is a specimen copy of the document that each successful bidder will be expected to execute and deliver to the County at the time of the closing of the transaction on the sale of his development rights.

Please note that this document should NOT be completed or signed at this time.

The program does not require any bidder to offer the development rights to all of his property. He may offer such rights for all or part of his ownership. Separately assessed parcels should each be offered separately.

You are hereby invited to participate in this program, if you so desire, by offering to the County the sale of the development rights of your property through the completion and submission of the enclosed bid offer form no later than 10:00 a.m. at the Office of the County Executive, Suffolk County Center, Riverhead, New York, on the      day of      , 1974.

There are, of course, a number of questions which may be raised with respect to the procedures and substance of this program which have not been covered in this letter. In anticipation of that, the County has established an information office on this program with respect to all aspects of the bidding procedure. Should you wish to obtain further information or clarification in order to determine whether you wish to participate in the program, you may contact a County representative for an appointment to discuss such matters or to discuss them over the phone by calling PA7-4700.

Very truly yours,

John V. N. Klein  
Suffolk County Executive

JV NK:ck  
Attchts.

In early 1975 the first bids were opened on Phase I of the program. Sixty bids were received for a total of 3,883 acres. In May of 1975, Resolution #3541 authorized negotiations and in September 1976 the Legislature allocated \$21,000,000 for Phase I of the program.

On September 29, 1977 the first farmland development rights were purchased. They were both in the Town of Riverhead with 131 acres in the community of Baiting Hollow and 84 acres in the community of Aquabogue. The second phase of the Farmland Development Rights Program began in July of 1978, when bids were received for 249 properties totaling 11,356 acres. It would have required \$68,000,000 to acquire all of these farms. (6)

In the beginning of 1980 a new County Executive, Peter F. Cohalan took office and recommended an open space policy that included farmland. Since \$9,000,000 of the original \$21,000,000 had not been committed by the end of 1979, he recommended that the money be spent and that another \$10,000,000 be authorized for Phase II which would bring the County commitment to a total of \$31,000,000. This would be less than the \$55,000,000 that was originally envisioned when the program was instituted. The cost of land had been rising since the first farms were acquired so the County Executive saw the need to balance open space programs with farmland preservation.<sup>(7)</sup> The County Executive called for assistance from the towns in terms of zoning and clustering to preserve additional farmland. Many of the towns complied by putting farmland in two acre or more minimum lot size categories and requiring mandatory clustering to preserve at least half of a farm that is being slated for development. In addition, three of the towns in the County that contain significant amounts of farmland instituted their own local programs that used town funds to purchase developments rights using the same criteria as the County.\*

In 1981 local law #16 was adopted by the County Legislature which reconstituted the Farmland Select Committee in its present form and laid out specific ground rules on how the program should be operating. In 1988 a new County Executive, Patrick Halpin, took office and recommended a third phase of the Farmland Program. The Suffolk County Legislature authorized \$5,000,000 in 1989 and \$5,000,000 in 1990 for Phase III. The first 22 acres in Phase III were acquired in 1989.

\*Southampton, Southold and East Hampton

### Requirements of the Program

Local law #16 is the basic act that governs the operation of the Farmland Development Rights Program. In addition, the New York State Agriculture & Markets Law, Section 301 as constituted in 1981 is used to determine what is allowable as agricultural production.<sup>(8)</sup>

The Farmland Select Committee currently contains 19 members. There is one from each of the ten towns that are appointed by those towns. Nine members are appointed by the County Executive. The Planning Director is the current Chairman and the procedures of the Committee indicate that at least four members must be farmers. The Farm Select Committee receives proposals on a continuous basis from persons who are interested in having property entered into the Suffolk County program. Recommendations are made according to the criteria with high priority given to parcels that are contiguous to other preserved farm properties or parcels that could be included in the program and exist on high quality farm soils. These recommendations are then forwarded to the Department of Real Estate which is responsible for preparing a resolution of acceptance by the Suffolk County Legislature. Once this is done, the Department of Real Estate is then authorized to produce appraisals of the farms to indicate the cost of the development rights. Offers are then made to the owners. If someone wishes to purchase a parcel of farmland and then include it in the farm program, it must have the owner's approval at the time of application. The only requirements from the owner are to indicate where the property is, with either a survey or tax map reference, an indication of how the property is being used or will be used, and certification that it has been in agricultural production, as such term is defined in Section 301 of the New York State Agriculture and Markets Law, for the last two years. Sale of agricultural products is

limited to the product that is grown on the parcel to be entered in the program. The minimum size of a farm proposed for entering into the program is 10 acres.

Once an owner has made a proposal to the Farm Select Committee and appraisals have been authorized, the final determination is made by the owner whether to accept or reject the County's offer. This program has always been a voluntary program where owners come to Suffolk County for consideration to be included in the program. There was some early discussion of payments being given over the period of time to farmers to avoid certain taxation. However, the County is not authorized to pay farmers on an installment basis and, instead, pays the total amount at the time of settlement.

In 1975, Suffolk County received a ruling from the Internal Revenue Service which stated that 1) the gains on the sale of farmland by the seller will be the excess, if any, of the sales proceeds over the seller's basis in the property and 2) such gain will be treated as a capital gain pursuant to Section 1231 or Section 1221 of the code.

Property that has been brought into the program has generally been owned by farmers who wish to continue farming but found it uneconomical because of high tax costs and other related costs. Some properties have been owned by land developers who decided not to go ahead with development which allowed farms to be saved from loss due to residential construction; and more recently, persons not involved in farming who wish to enter the field have persuaded owners to participate in the program in order to make it feasible to begin farm operations. This is particularly true of some of the vineyards that have been established in the County. Once the land is in the program, it can be bought and sold like any other

parcel of land, except that it must be continued in some type of agricultural use with no other use allowed.

#### Progress of the Program

Table 2 shows the amount of farmland that has been acquired each year the program has been in place. The peak year was 1978 when over 1,000 acres were placed in the preservation program. Land prices were depressed at that time and, therefore, the average price of development rights over the first phase of the program totaled over just \$4,000 an acre. That meant that the price of farmland at that time was around \$6,000 per acre with development rights since the average cost of the development rights is somewhere around two-thirds of the total value of the parcel.

Table 2

#### Suffolk County Farmland Program Acres Preserved by Year Development Rights Acquired

<u>Year</u>	<u>1977</u>	<u>1978</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1982</u>	<u>1983</u>
Total	203.7	1,159.9	786.1	208.6	532.2	95.6	847.0
<u>Year</u>	<u>1984</u>	<u>1985</u>	<u>1986</u>	<u>1987</u>	<u>1988</u>	<u>1989</u>	<u>1990</u>
Total	303.4	114.0	90.8	158.3	94.8	215.6	135.5

Grand Total 4,965.5

Source: Department of Real Estate, Suffolk County Planning Commission

The entire Suffolk County Farmland Program has been funded with local bonds that are issued for a thirty year period. No outside funding has ever been available for this program. The following Table 3 summarizes the amount of farm acreage that has been acquired in Phases I and II and part of Phase III of the program. This total of 4,966 acres represents the direct County acquisition costs of approximately 20 million dollars.

Table 3

Amount of Suffolk County Development Rights Acquired in Each Town

Huntington	-	49 acres
Smithtown	-	63 acres
Islip	-	11 acres
Brookhaven	-	47 acres
East Hampton	-	124 acres
Southampton	-	701 acres
Riverhead	-	3,094 acres
Southold	-	877 acres

The following Table 4 summarizes the location of the 1,084 acres of land that was acquired by individual towns in their Purchase of Development Rights Program.

Table 4

Town Purchase of Development Rights

Southampton	-	711 acres
East Hampton	-	121 acres
Southold	-	252 acres

Some of the local funds have been used to reduce the cost of farmland for eventual County purchase. Other local funds have been used for appraisals to facilitate the County preservation process.

The purchase of development rights is the primary method of farm preservation since it creates a restriction that runs with the land. There are also some donations of farmland development rights; there has been the transfer of development rights and the clustering to preserve farm properties. In addition Suffolk County has recently made some outright purchases of farm properties for historic preservation purposes or watershed purposes. The 113 acres in this category are not included in the overall farm preservation statistics, but are included under open space.

Local towns have adopted ordinances that have requirements to cluster new development that is located on farmland. The following table

indicates the amount of farmland that has been preserved in this manner.

Table 5

Agricultural Land in Agricultural Reserves

Town of East Hampton	- 80 acres
Town of Riverhead	- 40 acres
Town of Southampton	-352 acres
Town of Southold	- <u>58 acres</u>
Total	530 acres

Land in the above category is similar to property in the Purchase of Development Rights Program. The land remains in private ownership but has a run with the land covenant that restricts any non-agricultural use of the property. Many of the parcels adjoin tracts that are already part of the town or County preservation program.

There are some other mechanisms that are now being used to preserve additional farmland. One is the transfer of development rights (TDR) which was formally approved in New York State enabling legislation in 1989. The TDR rules allow local municipalities to transfer density farm environmentally sensitive land to property that can accommodate some additional units. The Town of Riverhead has used this approach to place 130 acres in the County program.

Private conservation organizations such as the Peconic Land Trust have become involved in farmland preservation. Working with owners, the Trust has encouraged people to limit development to preserve farmland or donate land for this purpose. The Trust has 42 acres in Southold, 14 acres in Smithtown and 193 in East Hampton at present.

State Agricultural Districts

One other category of farm preservation that has not been included in this report is the establishment of State agricultural districts.<sup>(9)</sup> At the present time there are 7 agricultural districts within Suffolk County that contain almost 12,000 acres. See Table 6.

Table 6

New York State Agricultural Districts in Suffolk County

<u>District #</u>	<u>Location</u>	<u>Acreage</u>	<u>Year Enacted</u>
1	Southold	2,959	1987*
2	Northern Brookhaven	321	1989*
3	Southeast Brookhaven	883	1990*
4	Southampton	3,300	1983
5	Southampton(part)	2,087	1985
	East Hampton(part)	368	1985
6	Riverhead	550	1985
7	Riverhead	<u>1,296</u>	1988
	Total	11,764	

\*Second 8 years

The agricultural districts are only a temporary holding pattern for farm preservation since they are geared to an eight-year tax reduction period. However, such programs are useful to the Suffolk County Purchase of Development Rights Program since it allows farmers to continue farming for an additional number of years and gives Suffolk County the opportunity to purchase a wider variety of agricultural lands as new funds become available. The agricultural district establishment is fairly cumbersome and even though it does provide cost reductions to a farmer, many do not chose to participate. The eight-year program which can be renewed with an agreement of the New York State Department of Agriculture, the Suffolk County Legislatuare and the owner. The district provides a tax reduction and protect a farm area from unwanted assessments for services or utilities. However, it is possible to drop out of the program at any time and sell the land for development with the payment of the back taxes, plus interest. In a rising real estate market, this can be very advantageous to the owner. However, in a declining market, the land is more likely to stay in the program for the eight year period. In order to encourage a farmer into an agricultural district, owners of farms totaling a minimum of 500 acres must make a proposal that is reviewed by an Agricultural

District Advisory Board. This Board is assisted by the Suffolk County Planning Commission which makes recommendations for the establishment or the continuation of an agricultural district to the Suffolk County Legislature. After this approval, these districts are filed with the New York State Department of Agriculture and Markets.

Each year, an owner of property within this agricultural district must apply for the continuing tax relief to obtain the benefits from the agricultural district. Once the district is established, changes are not made for an eight year period. Others wishing to join a district have to comply with the 500 acre minimum. If this is not possible, a farm owner may use the procedure of individual commitments that are filed on an annual basis with Town Assessors.

Eight years have passed for three of the seven Suffolk County districts and the first one in the Town of Southold was renewed with almost the same amount of acreage remaining for another eight years. This was done at the time of rising real estate values in the Town, so it shows the strength of agriculture in that area. In 1988 and 1990 the second and third agricultural districts came up for renewal in the Town of Brookhaven and were sharply scaled back from the original acreage. This is mainly because the primary urbanization of Suffolk County was reaching the area where the farms were located.

#### Problems that Have Arisen in Administration of the Program

The primary problem associated with the Farm Preservation Program is that land costs rose so sharply in the 1980's that the original goal of preserving 12 to 15,000 acres of farmland will require more funds than originally envisioned. Another problem is the lack of open land in general which puts pressure on the preserved farmland for a wider variety of uses than is allowed in the program. For example, the demand for

various recreational activities, which often need large expanses of open land, results in proposals to use land in the farmland preserve. The Agricultural and Markets Law does not allow such recreational uses.

Another major problem is the matter of housing. Many of the original farms that were included in the program contained farm houses as part of the overall parcel. This has turned out to be a policy that has become unacceptable for a number of reasons. One is that the development rights restriction does not allow removal and replacement by much larger houses or the addition of other residences on the farm for members of the family or workers on the land. There is also some interest on the part of some owners to subdivide farms in the program and place houses on each one of the new lots. That approach is clearly contrary to the preservation of open land. Therefore, current policy does not allow residences to be constructed on any land that is in the Development Rights Program. Any farm related buildings are allowed as long as Suffolk County is notified and the proper building permits are obtained from the individual municipalities.

New farms that are likely to be encouraged into the program now exclude any dwelling units. If no dwelling exists with the farm, it is often recommended that a conforming lot based on the prevailing zoning be carved out of the property prior to the County purchase of the development rights. This will allow some future owner who may want to farm that particular parcel to establish a residence in close proximity to the land.

Another concern is retail sales on a particular piece of property. Section 301 of the New York State Agriculture and Markets Law prohibits 'processing or retail merchandising' of such crops, livestock, or

livestock products being produced on the farm that is in the program. Therefore, creating a large retail facility on the property that is in the County program to serve a whole series of farms that are outside of the farm reserve area is not allowed.

One other problem that has occurred is the removal of the topsoil from the property. Sod farms and tree farms are consistent with the program. However, any uses that are going to require extensive stripping of the top soil or relocation of the top soil is discouraged.

#### The Future of the Farmland Program

The \$10,000,000 authorized in 1989 and 1990 will be used to purchase approximately 750 acres of additional farms. A recommendation for an additional \$5,000,000 by County Executive Halpin has been approved by the Suffolk County Legislature and will be available beginning in 1991. Local towns such as East Hampton have \$2,500,000 more in which to purchase farmland development rights. Other towns are considering additional bond issues. And, finally, the State of New York has the 21st Century Environmental Quality Bond Act that will be voted on in November of 1990. One billion, nine-hundred seventy-five million dollars (1.975 billion) are in the program Statewide and there is \$800,000,000 that will be available for land acquisition. For the first time, land used for agricultural production will be eligible for a Statewide program if approved by the voters.

Even with all of the funds authorized, it is still necessary to use all of the previous methods of preservation. Other conservation minded groups, like the Peconic Land Trust, should be encouraged to work with owners of farmland to either allow some limited development or a donation of farmland development rights.

The Transfer of Developments Rights Program which has been used to preserve farmland by some local municipalities should be used more extensively in the future. In addition, the mandatory clustering of farmland can save thousands of acres and is especially useful adjacent to properties that have been placed in the County program. It tends to buffer the existing farms and expand the area that was originally authorized for preservation. In this way, the County funds were used as a catalyst to a wider preservation of agricultural property.

In terms of the type of agriculture that is expected in Suffolk County by the turn of the century, it is likely that vineyards, horse farms, and the growing of various types of ornamentals will represent a significant portion of preserved farmland. The extensive amount of property that formerly grew Long Island potatoes shrinks each year as the cost of production goes up and the prices bid for potatoes are not commensurate with these costs.

## REFERENCE MATERIAL

- (1) Nassau-Suffolk Regional Planning Board, "Soil Interpretations, Inventory & Analysis" (1969)\*
- (2) Nassau-Suffolk Regional Planning Board, "Comprehensive Development Plan Summary" (July 1970)\*
- (3) Farmlands Preservation Program - Report to the Suffolk County Legislature (September 1973)
- (4) Report of the Suffolk County Agricultural Advisory Committee to the Suffolk County Legislature (March 1974)
- (5) Report to the Suffolk County Legislature from the Select Committee on the Acquisition of Farmlands (November 1974)
- (6) News Release (September 1977)
- (7) Report to the Suffolk County Legislature on Open Space Policy (May 1980)
- (8) Resolution #285-1981, Adopting Local Law No. 16-1981, A Local Law Relating to the Acquisition of Development Rights in Agricultural Lands
- (9) Agriculture & Markets Law - Circular 1150: Article 25AA - Agricultural Districts (April 1990)

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## OTHER FARMLAND DATA REPORTS

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Northeast Farmland Update, American Farmland Trust, Northampton, Ma., Spring 1990

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